



Best Practice Note on Casual Vacancies and Co-option.

1 Declaration of Casual Vacancy

A Casual Vacancy for Parish Councillor may arise for a number of reasons, such as the resignation or disqualification of a serving Councillor.

2 Public Notice

Immediately upon the declaration of a Casual Vacancy, the Clerk should notify the Returning Officer (of the relevant District or Borough Council) who may issue a formal notice for posting advising of the opportunity for a bye-election.

By the 15th working day, counting the day of posting the notice as day one, the Returning Officer will telephone the Clerk to advise whether ten electors of the election area have properly called an election or if the vacancy may be filled by co-option. If there is to be an election, all necessary action will be undertaken by the Returning Officer.

3a Qualification Criteria

To be nominated as a Candidate a person **must meet the criteria** listed below:

18 years or over on the day of your nomination

A British, Commonwealth, or Irish Citizen, or a citizen of another Member State of the European Union.

AND at least one of the following:

You must be registered as a voter in the relevant Parish in which you wish to seek election,

OR

For the whole of the 12 months prior to election day are Owner or Tenant of any land or premises in the relevant Parish,

OR

Your principal or only place of work during those 12 months or more has been in the relevant Parish,

OR

You have lived in the Parish or within 4.8 kilometres (3 miles) during the whole of the 12 months.

3b Disqualification Criteria

You **cannot** seek election if:

You work for the Parish or hold paid office under the council which has the vacancy

You are the subject of a bankruptcy restrictions order or interim order

Have been sentenced to a term of imprisonment in the past 5 years

Have been disqualified under any enactment relating to corrupt or illegal practices.

4 Co-Option

In the (usual) event that the Election officer advises Clerk no bye-election is being called then, if a vacancy has six months or more to run (i.e. it is more than six months to the next election), the Clerk will post a notice seeking candidates for co-option at each notice board in the election area. The notice should have a closing date. In addition, in the case of a larger election area, the Parish Council should publish this notice in the local newsletter and/or newspaper. For a smaller election area, a note from the Clerk to each household in the parish may encourage more interest.

Those interested in being co-opted should be asked in the notice to write in and give some background information about themselves. Also they should be encouraged to say why they wish to be a councillor

Staffordshire Parish Councils' Association



The Clerk should ensure that all candidates are aware of the criteria for qualification as a councillor and when replying to potential candidates, it might be sensible to offer some information such as the NALC leaflet "What can Local Councils Do" (available from SPCA) and a copy of "The Good Councillor's Guide" or similar documents.

In some cases, councils invite all who have expressed interest in being co-opted to attend the next council meeting in person, and they are then interviewed. If they are unable to attend, their letter should be read out, or made available to all.

If candidates are invited to the council meeting, it is in order to exclude the press and public after the interviews, for the actual vote, providing this is done in the correct way according to standing orders.

The person co-opted must receive a majority of the votes of those councillors present and voting at the meeting where the co-option takes place. Where there are more than two candidates for one vacancy, this rule means that a person must get a majority of votes over all the other candidates. Thus where candidate A receives four votes, and candidates B and C each receive two, A is not elected because he has the same number of votes as B and C put together and does not have a majority over their combined votes. Where there are more than two candidates it is desirable to eliminate the candidate with the least number of votes, so that the final vote is between two candidates only. Model Standing Order 37 in NALC Standing Orders and Chairmanship (recently revised and obtainable from the County Association) so provides. The successful candidate becomes a member of the Parish Council upon signing the Declaration of Office and the term of office expires at the next election.

Notes:

If only one candidate comes forward, the Council is not bound to co-opt them, even if they are qualified. However, if the council rejects the only candidate, it must be prepared to give reasons for so doing, if asked by the candidate. As it is obvious that this may cause difficulties, it is best to try and avoid the situation.

The candidates do not need to leave the room during voting but, in that event, your Council might like to vote by ballot. If a ballot is taken, the Clerk can take the count and advise of the winning candidate. (All votes should be kept on file in case of dispute). Alternatively you may vote by a show of hands. Either system is legitimate but you should amend your Standing Orders to reflect what you wish to become your standard practice.